

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION**

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MDL No. 2804

Case No. 1:17-md-2804

**JUDGE DAN AARON
POLSTER**

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**NOTICE OF DISMISSAL AND [PROPOSED] ORDER
DISMISSING WITH PREJUDICE CLAIMS
PURSUANT TO NATIONAL SETTLEMENT AGREEMENTS**

The Dismissing School District Plaintiffs identified in Appendix A (collectively, the “Dismissing Plaintiffs”), by and through their counsel, pursuant to the election of each Dismissing Plaintiff to participate in the Distributor Settlement Agreement, which was announced on July 21, 2021, which is binding on the Dismissing Plaintiffs and the Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively and together with their Released Entities, the “Settling Distributor Defendants”¹), and which has

¹ The Released Entities are each and every entity of any of the Settling Distributor Defendants that is a “Released Entity” as set forth in Section I.HHH and Exhibit J of the Distributor Settlement Agreement, dated as of December 23, 2021, a copy of which is attached as Appendix B. Appendix C, also attached hereto, represents a good faith effort by the Settling Distributor Defendants to list all Released Entities that may be individually named in any of the Dismissing Plaintiffs’ complaints. Appendix C is not intended to limit the scope of Released Entities, and to the extent that Dismissing Plaintiffs or Settling Distributor Defendants subsequently identify any Released Entity that should have been included on Appendix C, they will inform the Clerk of the Court.

an Effective Date of April 2, 2022 (a copy of which is attached as Appendix B), hereby voluntarily **DISMISS WITH PREJUDICE** all claims of each Dismissing Plaintiff against any Settling Distributor Defendants, including any entity identified on the Attached Appendix C, with each party to bear its own costs. The Court shall retain jurisdiction with respect to the Distributor Settlement Agreement to the extent provided under that Agreement.

Dated: March 11, 2022

Respectfully submitted,

/s/ Cyrus Mehri

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[PROPOSED] ORDER DISMISSING CERTAIN SETTLING DEFENDANTS

On this day, the Court considered Dismissing School District Plaintiffs' Notice of Dismissal Concerning the Janssen Defendants and Settling Distributor Defendants, and finds and orders as follows:

1. The Court finds that the relief sought by Dismissing School District Plaintiffs should be granted.
2. Therefore, pursuant to each Dismissing School District Plaintiff's election to participate in the Janssen Settlement Agreement, which is dated and was announced on July 21, 2021, is binding on the Dismissing School District Plaintiffs and the Janssen Defendants, and has an Effective Date of April 2, 2022, Dismissing School District Plaintiffs' claims and causes of action as set forth in Appendix A, against Defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.

(collectively and together with their Released Entities, the “Janssen Defendants”²), hereby are released and dismissed, with prejudice, with each party to bear its own costs.

3. Pursuant to each Dismissing Plaintiff’s election to participate in the Settling Distributor Defendants Settlement Agreement, which was announced on July 21, 2021, is binding on the Dismissing Plaintiffs and the Settling Distributor Defendants, and has an Effective Date of April 2, 2022, Dismissing Plaintiffs’ claims and causes of action as set forth in Appendix A against Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively and together with their Released Entities, the “Settling Distributor Defendants”³), hereby are released and dismissed, with prejudice, with each party to bear its own costs.

4. The Court shall retain jurisdiction over these settlements to the extent provided under such agreement.

IT IS SO ORDERED this _____ day of _____, 2022.

Hon. Dan Aaron Polster
United States District Judge

² The Released Entities are each entity of any of the Janssen Defendants that is a “Released Entity” set forth in Section I.61 and Exhibit J of the Janssen Settlement Agreement, dated as of July 21, 2021.

³ The Released Entities include each entity of any of the Settling Distributor Defendants that is a “Released Entity” set forth in Section I.HHH and Exhibit J of the Settling Distributor Defendants Settlement Agreement, dated as of December 23, 2021.

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2022, the above and foregoing pleading was electronically filed with the Clerk of Court of the United States District Court for the Northern District of Ohio by using the CM/ECF System. Notice of this filing will be sent to all counsel of record registered to receive electronic service by operation of the court's electronic filing system.

/s/ *Cyrus Mehri*
Cyrus Mehri